

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**LUIS ALONSO MURILLO-  
ALVARENGA,**

**Petitioner**

**v.**

**UNITED STATES OF AMERICA,  
Respondent.**

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**A-23-CR-17-RP**

**A-24-CV-1266-RP-ML**

**ORDER**

This case was referred to the undersigned for a Report and Recommendation to the District Judge on Petitioner's Motion Under § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Dkt. 46). Petitioner claims his trial counsel failed to file a timely notice of appeal as he requested. This issue requires a factual hearing.

Although Petitioner was previously represented by retained counsel, the court now **APPOINTS** E. Alan Bennett to represent Petitioner. At this hearing, Petitioner—and any witnesses he may produce—will have the opportunity to testify, under penalty of perjury, regarding defense counsel's alleged failure to file a requested appeal in his criminal case.

Accordingly, **IT IS ORDERED** that an evidentiary hearing in this case is set for **Thursday, March 27, 2025, at 9:00 a.m.** in the United States Courthouse, Courtroom 8, 501 West Fifth Street, Austin, Texas 78701. Luis Alonso Murillo-Alvarenga, prisoner number 09887-510, is currently incarcerated at FCI Oakdale II, Oakdale, LA, but will be brought to Austin by the United States Marshals Service **no later than March 21, 2025.**

**IT IS FURTHER ORDERED** that E. Alan Bennett is appointed (CJA) for the purpose of serving as the attorney for Petitioner at the evidentiary hearing. The Clerk of Court shall provide a copy of this Order to E. Alan Bennett at

2601 Gholson Road  
Waco, TX 76704  
254-757-5047  
Email: alan.bennett@co.mclennan.tx.us.

**IT IS FURTHER ORDERED** that the Clerk of Court shall also provide a copy of this Order to Petitioner, the United States Marshals Service, and the Assistant United States Attorney.

**IT IS LASTLY ORDERED** that the hearing will be limited to Petitioner's ineffective assistance of counsel claim based on his allegations that his trial counsel failed to file a timely notice of appeal as he requested.

SIGNED February 5, 2025.

  
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MARK LANE  
UNITED STATES MAGISTRATE JUDGE